

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: GRIFFEN, Jason T.
Application No.: 10/787,315
Filed: February 27, 2004
Title: TEXT INPUT SYSTEM FOR A MOBILE ELECTRONIC DEVICE AND
METHODS THEREOF
Examiner: Keaton, Sherrod L.
Art Unit: 2175
Attorney Ref.: PAT 101033-2

Mail Stop Reply Brief Patents
Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

November 2, 2010

REPLY BRIEF UNDER 37 C.F.R. §41.41

Sir:

The Applicant respectfully submits this Reply Brief in response to the Examiner's Answer dated September 3, 2010.

I. REAL PARTY IN INTEREST

As set out in the Appeal Brief filed June 14, 2010.

II. RELATED APPEALS AND INTERFERENCES

As set out in the Appeal Brief filed June 14, 2010.

III. STATUS OF CLAIMS

As set out in the Appeal Brief filed June 14, 2010.

IV. STATUS OF AMENDMENTS

As set out in the Appeal Brief filed June 14, 2010.

V. SUMMARY OF CLAIMED SUBJECT MATTER

As set out in the Appeal Brief filed June 14, 2010.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

As set out in the Appeal Brief filed June 14, 2010.

VII. ARGUMENT

In response to the assertion that Applicant has attacked the references individually, individual references were referred to in the Appeal Brief filed on June 14, 2010 to show that the references both individually and in combination fail to teach or suggest the features of the claims as asserted in the Final Office Action and that the combination of the references fail to teach or suggest the claimed features. The Appeal Brief addresses the references individually and in combination and provides arguments as to why the combination of the references fail to teach or suggest all of the features of the rejected claims. See, for example, the second full paragraph on page 13 of the Appeal Brief, the second and third paragraphs on page 16 of the Appeal Brief, the last paragraph beginning on page 16 and continuing on page 17 of the Appeal Brief, and the first full paragraph on page 17 of the Appeal Brief.

The Examiner asserts that Vargas does not work in a fundamentally different manner than the present application. The Examiner, however, relies on the logical fallacy of proof by example. The Examiner uses one specific touch location at which Vargas and the present application generate a similar result along with the assertion that "[t]his interpretation would also equally apply to any other key selection" as evidence that Vargas and the present application do not work in a fundamentally different manner. Nevertheless, on pages 14-16 of the Appeal Brief, Applicant provides an example of a touch location where the teachings of Vargas and the present application generate entirely different results. The example provided in the Appeal Brief illustrates that the Examiner's interpretation does not equally apply to all touch locations and that Vargas and the present application work in a fundamentally different manner.

Even when combined, the cited references would not and could not yield the claims of the present application.

Other arguments found the Examiner's Answer are addressed in the Appeal Brief.

VIII. CLAIMS APPENDIX

As set out in the Appeal Brief filed June 14, 2010.

IX. EVIDENCE APPENDIX

As set out in the Appeal Brief filed June 14, 2010.

X. RELATED PROCEEDINGS APPENDIX

As set out in the Appeal Brief filed June 14, 2010.

Respectfully submitted,
GRIFFIN, Jason, T.

By: /Geoffrey deKleine/

Geoffrey deKleine

Reg. No. 50,216

Borden Ladner Gervais LLP
1200 Waterfront Center
200 Burrard, P.O. Box 48600
Vancouver, BC V7X 1T2
CANADA

Tel: (604) 640-4227

Fax: (778) 329-0752

E-mail: ipmailvancouver@blgcanada.com

GDK/hcb